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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/146,835

09/03/1998

MASANORI ITO

MAT-6280

9903

7590

04/08/2004

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EXAMINER

WALLERSON, MARK E

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 04/08/2004

30

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/146,835

Applicant(s)

ITO ET AL.

Examiner

Mark E. Wallerson

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 52-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 52-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**Part III DETAILED ACTION**

*Notice to Applicant(s)*

1. This action is responsive to the following communications: the Appeal Brief filed on 1/7/04.
2. This application has been reconsidered. Claims 52-63 are pending.

*Response to Amendment*

3. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 52, 54, 55, 56, 58, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmori (U.S. 5,790,193) in view of Parulski et al (Parulski) (U.S. 5,900,909).

With respect to claims 52, 54, and 55, Ohmori discloses a digital camera (figure 1) comprising a memory (56) which is separable from the camera; a picture capturing unit (12) for capturing picture information corresponding to an image and for storing the picture information in the memory while the memory is attached to the camera (column 4, lines 1-13), and a display unit for displaying according to user operation, a rotated image of the picture information (column 3, lines 32-46). Ohmori differs from claims 52, 54, and 55 in that he does not clearly

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disclose a control information processor for signaling to the memory how the image data is to be rotated during imaging of the image when the memory is separated from the camera.

Parulski discloses an electronic still camera comprising a control information processor (22) for signaling to a memory (24) how the image data is to be rotated during imaging of the image when the memory is separated from the camera (column 6, lines 6-24), the signaling being initiated after the picture information is captured (figures 5 and 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ohmori to include a control information processor for signaling to the memory how the image data is to be rotated during imaging of the image when the memory is separated from the camera. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ohmori by the teaching of Parulski in order to allow the image(s) to be correctly displayed or imaged without need for a special application program as disclosed by Parulski in column 2, lines 47-52).

With respect to claims 56, 58, and 59, Ohmori discloses the image is rotated 90<sup>0</sup> (column 3, lines 32-39).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 53 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmori in view of Parulski as applied to claim 52 above, and further in view of Lathrop (U.S. 5,563,655).

Ohmori as modified differs from claim 53 in that although he discloses a printer interface, he does not clearly disclose printing out the picture information from the memory card.

Lathrop discloses a digital camera system comprising a removable memory containing print images which may be read by a printer (column 4, lines 40-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ohmori as modified to print out the picture information from the memory card. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ohmori as modified by the teaching of Lathrop in order to allow the user to print out the stored images.

With respect to claim 57, Ohmori discloses the image is rotated  $90^0$  (column 3, lines 32-39).

8. Claims 60-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmori in view of Parulski as applied to claims 52, 54, and 55 above, and over Ohmori in view of Parulski and Lathrop as applied to claim 53 and further in view of Petruchik.

Ohmori as modified differs from claims 60-63 in that he does not clearly disclose the size of the displayed image is automatically adapted to the size of the display unit when changing a rotation angle of the image.

Petruchik discloses displaying a full picture during the editing process (which includes rotation). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ohmori as modified wherein a full image is displayed during rotation. It would have been obvious to one of ordinary skill in the art at the time of the

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invention to have modified Ohmori as modified by the teaching of Petruchik in order to allow the user to more clearly view the images.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, DC 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two  
2121 Crystal Drive  
Arlington, VA.  
Sixth Floor (Receptionist)

MARK WALLERSON  
PRIMARY EXAMINER

MARK WALLERSON